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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/755,548	01/12/2004	Johnny Tai	CFP-2364 (15722/620)	3282
23595	7590	04/27/2005	EXAMINER	
NIKOLAI & MERSEREAU, P.A. 900 SECOND AVENUE SOUTH SUITE 820 MINNEAPOLIS, MN 55402			EDELL, JOSEPH F	
			ART UNIT	PAPER NUMBER
			3636	

DATE MAILED: 04/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/755,548		TAI, JOHNNY	
	Examiner		Art Unit	
	Joseph F Edell		3636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) 1-15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>01/12/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 3, 5, and 8 are objected to because of the following informalities:
 - a. claim 3, line 2, "a crossbar" should read --a first crossbar--;
 - b. claim 5, lines 1-2, "a crossbar" should read --a second crossbar--;
 - c. claim 8, line 1, "the crossbar" should read --the second crossbar--.Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-15 are rejected under 35 U.S.C. 102(b) as being anticipated by EP Publ. No. 0 218 502 A1 to Tafoureau.

Tafoureau discloses a reclining module that includes all the limitations recited in claims 1-15. Tafoureau shows a reclining module having a backrest frame (Fig. 1) capable of pivotal connection with side frames 11 (Fig. 1), a stool frame 40 (Fig. 1) capable of pivotal connection with the side frames, two principal links 20b (Fig. 1) connected between the backrest frame and the stool frame, a hydraulic cylinder 51 (Fig. 1) connected between the backrest frame and the stool frame, a handle 59 (Fig. 1) of

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the hydraulic cylinder that is movable from a first position wherein the hydraulic cylinder cannot be extended and a second position wherein the hydraulic cylinder can be extending and withdrawn, two plates 25 (Fig. 1) of the backrest frame that are each capable of attachment to related one of the side frames, two links 31 (Fig. 1) each pivotally connected with related one of the plates, a first crossbar 55 (Fig. 1) connected between the links thereof, two linkages 41 (Fig. 1) of the stool frame that are each capable of pivotal connection with related one of the side frames, a second crossbar 141a (Fig. 4) connected between the linkages, each linkage includes a plate 54 (Fig. 1) capable of attachment to related one of the side frames, a first link 46 (Fig. 1) pivotally connected with the plate, a second link 42 (Fig. 1) pivotally connected with the first link, a third link 41a (Fig. 1) pivotally connected with the plate, and a fourth link 48 (Fig. 1) pivotally connected with the third link, a bracket (Fig. 1) pivotally connected with both the second link and the fourth link capable of supporting a stool plate R (Fig. 2) wherein the second crossbar is connected between the first links of the linkages, the hydraulic cylinder is connected between one of the links of the backrest and one of the linkages, and each of the principal links is connected between related one of the links of the backrest and the first link of related one of the linkages.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to reclining modules:

U.S. Pat. No. 2,838,093 to Bank et al. U.S. Pat. No. 3,131,965 to Mohler

U.S. Pat. No. 3,690,723 to McClain et al. U.S. Pat. No. 3,858,932 to Crum et al.

U.S. Pat. No. 4,718,716 to Stumpf et al. U.S. Pat. No. 6,247,753 B1 to Alvestad

U.S. Pat. No. 6,659,556 B2 to Pellerin EP Publ. No. 0 562 305 A1 to Padovan

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph F. Edell whose telephone number is (571) 272-6858. The examiner can normally be reached on Mon.-Fri. 8:30am-5:00pm.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Joe Edell
April 22, 2005